Remarks

The specification has been amended to add the U.S. Patent Number for the referenced U.S. Patent Application on page 7, line 2. A copy of this U.S. Patent is also enclosed, and has a corresponding International Patent No. PCT/US00/02623 having Publication No. WO 00/46699, which has already been cited by Applicants.

Claim 29 was rejected on the grounds that it is not a limitation of a method claim. Applicants believe that describing the information as to it sole use in a dependent method is a proper limitation under 35 U.S.C. §112, second paragraph, when read as a whole with the base method claim. However, Applicants have rewritten independent Claim 25 with the limitation of Claim 29 in a form to more clearly define the claimed invention, that is, the addition of the step "utilizing said information solely for market research". Such method step has been deemed acceptable. See Ex parte Porter, 25 U.S.P.Q.2d 1144 (Bd. Pat. App. & Inter. 1992). Claim 29 has been amended to remove subject matter now included in Claim 25, and sets forth that the information is unassociated with any real purchase of the product. Such is not new matter as this language is present other claims, see Claims 1, 8, and 13.

Claims 25, 26, 28 and 29 are patentable over U.S. Patent No. 6,167,383 (Henson). Henson describes an on-line ordering system for configuring, purchasing, and arranging delivery of custom configured computer systems, as such on-line ordering systems have no capability of providing the unique market research information of the present application's method, configurator software, or system incorporating such software. See discussion in the present application at page 1, line 26, to page 2, line 6. Henson enables a purchaser to configure in a received web page (FIGS. 3A-3C) a computer which is actually purchasable, in contrast with the present application where the configured product is unassociated with any real purchase transaction. Since Henson generates a real purchase transaction between a consumer and a computer company, Henson clearly does not utilize information returned from such transaction solely for market research, as described in Claim 25.

As the Examiner correctly states, Henson does not update price independently of a server. In regards to Examiner's position that it is well known to update price independently of a server. This is not a true statement, since it requires downloading a script (which Examiner refers to a JAVA program) to configure a product, rather than merely updating information on an ordering web page form as in conventional on-line web sites for ordering products. One merely has to view the large amount of data, both graphic and underlying code, to realize that this would be a

very large program to enable Henson to operate on a client computer rather than on a website server (see web pages of FIGS. 3A-10). Such download of that program would cause a great time consuming delay in the start of the ordering process of a purchase of a willing and able buyer, in comparison to a typical ordering page of a website. This would only frustrate the buyer and send them to a website of a competitor. The Examiner contends that modifying Henson with a downloaded JAVA program is motivated to lessen the volume of interaction with the server. If the user is frustrated by the delay in even starting the ordering process due waiting to download a very large program of Henson, there will be no "volume of interaction" as the user would do business on the website of a competitor providing near immediate access. Clearly, this teaches away from the Examiner's position that it would be obvious to run Henson at a client computer rather than the website server. Attached is a list of websites which the Examiner may review as examples of the interaction between a client computer with a server to configure a product. Nevertheless, none of these websites provide information to a server which is solely for market research, as described in Claim 25. For the above reasons, Claim 25 is patentable over Henson, and withdrawal of the rejection of Claim 25 and of its dependent claims is requested.

Claim 28 describes the information of Claim 25 as further comprising data representing selected features and any changes in the selection of the features until the product configuration is completed. Henson clearly does not record interim features and any changes in the selection of said features in arriving at a total price. The Examiner states that it is well known to record interim steps in a computer process. Applicants are not recording interim steps of a computer process, but the actual steps taken by a user, not the computer, in configuring a product. Claim 28 has been amended accordingly to clarify the claimed invention. It is well known that computer process of a web based configuration software, as Henson is typical of, is to return information entered in a web page. The way in which the person arrives at his configured computer is never stored in Henson for clearly this is unnecessary in the ordering process. For example, see Henson's web page (FIGS. 3A-3C) which are incapable of recording the manner is which a user made their selections (i.e., selecting and deselecting choices) as impacting the final price, since the web page once filled out can only send final selections to on-line store (10) of FIG. 2 to record their purchase to either a shopping cart, or to place such order (see FIG. 6). Accordingly, Claim 28 is patentable over Henson.

Claim 27 was rejected as unpatentable over Henson in view of Ghahramani. One skilled in the art would not measure elapse time as provided by Ghahramani in the on-line system of

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Henson, as the Examiner contends, due to the numerous variables effecting the time to make an on-line order in Henson. Since each buyer in Henson must wait for each updated prices from the server, it would make it difficult to compare the measured time of a buyer with time taken by other buyers, as it cannot account for server time and communication time between price updates of each buyer. This is evident in Henson as each Henson web page of FIGS. 3A-3C does not show an updated price, unless the purchaser clicks "Update Price" button (72), and then wait for the on-line store's server to return another web page with the updated price (see FIG. 3C under header "Using this Page"). The present invention provides a solution that avoids this problem, thereby making time measurement useful as a measure of the actual time taken by a user to arrive at a final product configuration for market research purposes.
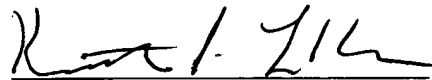
Moreover, Ghahramani describes a method for measuring the usability of a system for task analysis and re-engineering, and not to configuring the features of a product at an acceptable price. There is no teaching in Henson or Ghahramani providing motivation to combine these references for the purpose of measuring the time taken to configure a product, as the Examiner suggests. The Examiner states that such motivation to add Ghahramani to Henson is to help measure and improve usability of the Henson configuration system. However, the present application involves obtaining market research information on the manner a person configures a product, not for improving the system by which such information is obtained. Thus, Applicants believe that Claim 27 is not obvious in view of Ghahramani and Henson, and requests that the rejection of Claim 27 be withdrawn.

Applicants request rejoinder of the non-elected Claims 1-15, 17-24, and 30-39 with the elected claims, since the invention in the non-elected and elected claims are merely of different scope that such examination would not be an undue burden. It is appropriate for the Examiner to consider the claims of Groups I, II, III and V when it would not be a serious burden on the Examiner, see MPEP 803, paragraph 2, and the second Criteria (B). There is clearly no burden on the Examiner since he has already examined the claimed subject with respect to the claims of Groups I, II, III, and V in the Office Action dated October 3, 2002. (Applicants believe that that the examination of non-elected claims of Groups I, II and III should also cover the elected method claims of Group V). This is evident by the present Office Action dated July 16, 2003, which relies upon the same prior art references that were cited in the earlier Office Action dated October 3, 2002. For arguments set forth in this Amendment and the Amendment filed January 3, 2003, the non-elected claims are also patentable over such references.

The application should be in condition for allowance, and a notice of allowance is therefore requested.

Respectfully submitted,

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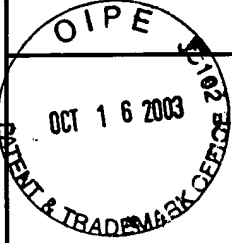Telephone: (585) 424-2670
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Enclosures: Certificate of First Class Mail;
               List of websites; and
               Supplemental Information Disclosure Statement with a copy of
               U.S. Patent No. 6,311,190.

WEBSITE EXAMPLES

1. http://esource.gateway.com/prod_system.asp?catID=131590&mscssid=2463471
2. http://www.shopping.hp.com/webapp/shopping/cto/computer_customize_start.do
3. http://www8.forddirect.fordvehicles.com/FordVehicles.jsp?target=Config&sModel=2003ranger&sBrand=Ford
4. http://www.paymentshopper.com/quotes/VehicleConfiguration.cfm
5. http://www.netgear.com/product_selector/prodselect.asp
6. http://www.sys.com/products/performance/amd.cfm
7. http://66.105.41.180/Concept/Login
8. http://www.sonnettech.com/product/configurator.html
9. http://www.torquesystems.com/sam.cfm?P1=Brush_MotorConfigTorque
10. http://www.omicron.se/english/consult_inf/project/mecman.html
11. http://www.ciitech.com/para.form.asp?PType_ID=4003
12. http://www.clickautomation.com/configurator
13. http://www.buyingadvice.com/pricequote/invoicepricing3.htm
14. http://www.dodge.com
15. http://www.mitsubishicars.com
16. http://www.alcservices.com
17. http://www.bomara.com/NCD/cyo.htm
18. http://www.threepointmotors.com/showroom/buildyourown.asp
19. http://www.autobuybids.com/ABM_BuildIt.asp?AD=414133&de_id=210&make=Toyota
20. http://www.toyota.com/toyotaConfigApp/toyselectexteriorcolor.do
21. http://www.continentalnissan.com/multiframe.asp?content=build
22. http://www.getbehindthewheel.com/build/nissan/nissan.htm
23. http://www.cyberpowersystem.com/custom/piv.htm
24. http://www.pc.ibm.com/us/thinkpad/rseries_byo.html
25. http://webtools.mozilla.org/build/config.cgi
26. http://www.markonecomputers.com/cart/config2.asp
27. http://www.visionman.com/products/customize.php
28. http://www.interactiveusa.com/bto.asp
29. http://bmw.maxwellmotors.ie/bmw/configurator/index.cfm?fuseaction=intro&modelID=648&bodyID=4248
30. http://www.bmw.ca/automobiles/autos_fs.asp?lang=en
31. http://www.superservice.com/newbuild.htm
32. http://demoserv.tacton.com/pc2/index.asp

33. http://iceberg.aberdeeninc.com/cgi-win/AbSysCon/AbSysCon.asp

34. http://www.crystalfontz.com/products/select_kit.html

35. http://www.ibuypower.com/confirm/configurator-p4-ddr-333.htm

36. http://www.lexus.ca/lexus/experience/en/home/vehicles/configurator/ED192P2003/configurat or.jsp?model=ED192P&year=2003

37. http://www.crcinfosys.com/crc/system/estimating/pc.asp

38. http://www.matrixone.com/pdf/ds_prod_configcentral.pdf

39. http://welcome.etesters.com/build/configurators.htm

40. http://www.commspecial.com/flex/flex_rcvr.htm

41. http://www.microstorm.com/systems/config.asp

42. http://www.bulldogdigital.com/cgi-bin/config.pl

43. http://www.earlyimpact.com/productcart/build_to_order/index.asp

44. http://www.stereozoom.com/website/SC_SM_SZe.nsf?opendatabase

45. http://www.courtesygmclv.com/build.htm

46. http://www.unitedmicro.com/confz.cgi?7

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